

(Adopted May 7, 1976)(Amended November 6, 1992)(Amended July 9, 1993)
September 13, 1996
December 11, 1996
PAR403

PROPOSED AMENDED RULE 403. FUGITIVE DUST

(a) Purpose

The purpose of this rule is to reduce the amount of particulate matter entrained in the ambient air as a result of anthropogenic (man-made) fugitive dust sources by requiring actions to prevent, reduce or mitigate fugitive dust emissions.

(b) Applicability

The provisions of this rule shall apply to any activity or man-made condition capable of generating fugitive dust.

(c) Definitions

(1) **ACTIVE OPERATIONS** shall mean any activity capable of generating fugitive dust, including, but not limited to, earth-moving activities, construction/demolition activities, or heavy- and light-duty vehicular movement.

(2)(*) **ANEMOMETERS** are devices used to measure wind speed and direction in accordance with the performance standards, and maintenance and calibration criteria specified in the District's Rule 403 Implementation Handbook, as contained in the most recent Rule 403 Implementation Handbook, now or hereafter adopted by the Governing Board dated July 1993.

(3) **BEST AVAILABLE CONTROL MEASURES** represent an incremental increase in fugitive dust control actions above that specified under reasonably available control measures and which are required to be implemented within the boundaries of the South Coast Air Basin. A detailed listing of best available control measures for each fugitive dust source type shall be as contained in the most recent Rule 403 Implementation Handbook, now or hereafter adopted by the Governing Board.

(4)(*) **BULK MATERIAL** is sand, gravel, soil, aggregate material less than two inches in length or diameter, and other organic or inorganic particulate matter.

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(5)(4) **CHEMICAL STABILIZERS** mean any non-toxic chemical dust suppressant which must not be used if prohibited for use by the Regional Water Quality

Control Boards, the California Air Resources Board, the Environmental Protection Agency, or any applicable law, rule or regulation, and should meet any specifications, criteria, or tests required by any federal, state, or local water agency. Unless otherwise indicated, the use of a non-toxic chemical stabilizer shall be of sufficient concentration and application frequency to maintain a stabilized surface.

(6)(5) **CONSTRUCTION/DEMOLITION ACTIVITIES** are any on-site mechanical activities preparatory to or related to the building, alteration, rehabilitation, demolition or improvement of property, including, but not limited to the following activities: grading, excavation, loading, crushing, cutting, planing, shaping or ground breaking.

(7) **CONTINGENCY NOTIFICATION** means that the U.S. EPA has determined and notified the District in writing that PM10 contingency requirements must be implemented based on a finding that: (1) PM10 and PM10 precursor emissions reductions were less than required at any three-year milestone reporting interval, or (2) the region failed to attain the PM10 standards within the time frames allotted under the Federal Clean Air Act, or (3) if as part of an Attainment/Maintenance Plan, the region is no longer in attainment of the PM10 standards

(8)(6) **CONTRACTOR** means any person who has a contractual arrangement to conduct an active operation for another person.

(9)(7) **DISTURBED SURFACE AREA** means a portion of the earth's surface which has been physically moved, uncovered, destabilized, or otherwise modified from its undisturbed natural soil condition, thereby increasing the potential for emission of fugitive dust. This definition excludes those areas which have:

(A) been restored to a natural state, such that the vegetative ground cover and soil characteristics are similar to adjacent or nearby natural conditions;

(B) been paved or otherwise covered by a permanent structure; or

(C) sustained a vegetative ground cover over at least 95 percent of an area for a period of at least 6 months.

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- (10)(9) DUST SUPPRESSANTS are water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to reduce fugitive dust emissions.
- (11)(9) EARTH-MOVING ACTIVITIES shall include, but not be limited to, grading, earth cutting and filling operations, loading or unloading of dirt or bulk materials, adding to or removing from open storage piles of bulk materials, landfill operations, or soil mulching.
- (12)(9) FUGITIVE DUST means any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of man.
- (13)(4) INACTIVE DISTURBED SURFACE AREA means any disturbed surface area upon which active operations have not occurred or are not expected to occur for a period of ten consecutive days.
- (14)(2) LARGE OPERATIONS means any active operations on property which contains in excess of 100 acres of disturbed surface area, or any earth-moving operation which exceeds a daily earth-moving or throughput volume of 7,700 cubic meters (10,000 cubic yards) three times during the most recent 365-day period.
- (15) MEDIUM OPERATIONS means any active operations on property which contains between 50 and 100 acres of disturbed surface area, or any earth-moving operation with a daily earth-moving or throughput volume of between 3,850 cubic meters (5,000 cubic yards) and 7,700 cubic meters (10,000 cubic yards) three times during the most recent 365-day period.
- (16)(3) NON-ROUTINE means any non-periodic active operation which occurs no more than three times per year, lasts less than 30 cumulative days per year, and is scheduled less than 30 days in advance.
- (17)(4) OPEN STORAGE PILE is any accumulation of bulk material with 5 percent or greater silt content which is not fully enclosed, covered or chemically stabilized, and which attains a height of three feet or more and a total surface area of 150 or more square feet. Silt content level is assumed to be 5 percent or greater unless a person can show, by sampling and analysis in accordance with ASTM Method C-136 or other equivalent method approved in writing by the Executive Officer and the California Air Resources Board, that the silt content is less than 5 percent. The results of ASTM Method C-

- 136 or equivalent method are valid for 60 days from the date the sample was taken.
- (18)(5) PARTICULATE MATTER means any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.
- (19) PAVED ROAD means an improved street, highway, alley, public way, or easement that is covered by typical roadway materials, excluding access roadways that connect a facility with a public paved roadway and are not open to through traffic. Public paved roads are those open to public access and that are owned by any federal, state, county, municipal or any other governmental or quasi-governmental agencies. Private paved roads are any paved roads not defined as public.
- (20)(6) PM₁₀ is particulate matter with an aerodynamic diameter smaller than or equal to 10 microns as measured by the applicable State and Federal reference test methods.
- (21)(7) PROPERTY LINE means the boundaries of an area in which either a person causing the emission or a person allowing the emission has the legal use or possession of the property. Where such property is divided into one or more sub-tenancies, the property line(s) shall refer to the boundaries dividing the areas of all sub-tenancies.
- (22)(8) REASONABLY AVAILABLE CONTROL MEASURES are appropriate techniques and procedures used to prevent or reduce the emission and airborne transport of fugitive dust, outside the boundaries of the South Coast Air Basin. These include, but are not limited to, application of dust suppressants, use of coverings or enclosures, paving, enshrouding, planting, reduction of vehicle speeds, and other measures as specified by the Executive Officer. A detailed listing of reasonably available control measures for each fugitive dust source shall be as is contained in the most recent Rule 403 Implementation Handbook, now or hereafter adopted by the Governing Board dated July 1993.
- (23)(9) SILT means any aggregate material with a particle size less than 74 micrometers in diameter which passes through a No. 200 Sieve.
- (24)(9) SIMULTANEOUS SAMPLING means the operation of two PM₁₀ samplers in such a manner that one sampler is started within five minutes of the

other, and each sampler is operated for a consecutive period which must be not less than 290 minutes and not more than 310 minutes.

(25) SOUTH COAST AIR BASIN means the non-desert portions of Los Angeles, Riverside, and San Bernardino counties and all of Orange County as defined in California Code of Regulations, Title 17, Section 60104. The area is bounded on the west by the Pacific Ocean, on the north and east by the San Gabriel, San Bernardino, and San Jacinto Mountains, and on the south by the San Diego county line.

(26)(24) STABILIZED SURFACE means:

(A) any disturbed surface area or open storage pile which is resistant to wind-driven fugitive dust;

(B) any unpaved road surface in which any fugitive dust plume emanating from vehicular traffic does not exceed 20 percent opacity.

(27)(22) UNPAVED ROADS are any unsealed or unpaved roads, equipment paths, or travel ways that are not covered by one of the following: concrete, asphaltic concrete, recycled asphalt, or asphalt. Public unpaved roads are any unpaved roadway owned and maintained by Federal, State, county, municipal or other governmental or quasi-governmental agencies. Private unpaved roads are all other unpaved roadways not defined as public.

(28)(23) VISIBLE ROADWAY DUST means any sand, soil, dirt, or other solid particulate matter which is visible upon paved road surfaces and which can be removed by a vacuum sweeper or a broom sweeper under normal operating conditions.

(29)(24) WIND-DRIVEN FUGITIVE DUST means visible emissions from any disturbed surface area which is generated by wind action alone.

(30)(25) WIND GUST is the maximum instantaneous wind speed as measured by an anemometer.

(d) Requirements

(1) A person shall not cause or allow the emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area such that the presence of such dust remains visible in the atmosphere beyond the property line of the emission source.

(2) A person conducting active operations within the boundaries of the South Coast Air Basin shall utilize one or more of the applicable best reasonably

available control measures to minimize fugitive dust emissions from each fugitive dust source type which is part of the active operation.

(3) A person conducting active operations outside the boundaries of the South Coast Air Basin may utilize reasonably available control measures in lieu of best available control measures to minimize fugitive dust emissions from each fugitive dust source type which is part of the active operation.

(4)(3) A person shall not cause or allow PM₁₀ levels to exceed 50 micrograms per cubic meter when determined, by simultaneous sampling, as the difference

between upwind and downwind samples collected on high-volume particulate matter samplers or other EPA-approved equivalent method for PM₁₀ monitoring. If sampling is conducted, samplers shall be:

(A) Operated, maintained, and calibrated in accordance with 40 Code of Federal Regulations (CFR), Part 50, Appendix I, or appropriate EPA-published documents for EPA-approved equivalent method(s) for PM₁₀.

(B) Reasonably placed upwind and downwind of key activity areas and as close to the property line as feasible, such that other sources of fugitive dust between the sampler and the property line are minimized.

(5)(4) Any person in the South Coast Air Basin A person shall:

(A) prevent or immediately remove within one hour the track-out of bulk material onto public paved roadways as a result of their operations; or

(B) take at least one of the actions listed in Table 3 and:

(1)(A) prevent the track-out of bulk material visible roadway dust from being deposited upon onto public paved roadways as a result of their operations and remove such material at anytime track-out extends for a cumulative distance of greater than 50 feet on to any paved public road from any property access road during active operations; and

(1)(B) remove all visible roadway dust tracked-out deposited upon public paved roadways as a result of active operations at the conclusion of each work day when active operations cease.

(c) Contingency Requirements

When a contingency notification has occurred, the requirements of this subdivision shall become effective in the county subject to the notification 60 days after the first publication date in newspapers of general circulation in that county. Such publication shall specify that a contingency notification has occurred, and that any person who conducts or authorizes the conducting of a medium operation shall be required to comply with the provisions of subdivision (D) in addition to the requirements of subdivision (d).

(D) Special Requirements for Large Operations and Medium Operations Under a Contingency Notification

- (1) Any person who conducts or authorizes the conducting of either a large operation which is subject to the requirements of this rule, or a medium operation under a contingency notification as set forth in subdivision (c), shall either:
 - (A) take the actions specified in Tables 1 and 2 for each applicable source of fugitive dust within the property lines and shall:
 - (i) notify the Executive Officer not more than 7 days after qualifying as a large operation or as a medium operation under a contingency notification;
 - (ii) include, as part of the notification, the items specified in subparagraphs (D)(e)(3)(A) and (D)(e)(3)(B);
 - (iii) maintain daily records to document the specific actions taken;
 - (iv) maintain such records for a period of not less than 6 months; and
 - (v) make such records available to the Executive Officer upon request; or
 - (B) obtain an approved fugitive dust emissions control plan (plan).
- (2) Any person subject to paragraph (D)(e)(1) who elects to obtain an approved fugitive dust emission control plan must submit the plan to the Executive Officer no later than 30 days after the activity becomes a large operation.
- (3) Any plan prepared pursuant to subparagraph (D)(e)(1)(B) shall include:

- (A) The name(s), address(es), and phone number(s) of the person(s) responsible for the preparation, submittal, and implementation of the plan;
- (B) A description of the operation(s), including a map depicting the location of the site;
- (C) A listing of all sources of fugitive dust emissions within the property lines;
- (D) A description of reasonably available the required control measures as applied to each of the sources identified in subparagraph (D)(e)(3)(C). The description must be sufficiently detailed to demonstrate that the applicable best available control measures or reasonably available control measures such as reasonably available control measures will be utilized and/or installed during all periods of active operations.
- (4) In the event that there are special technical (e.g., non-economic) circumstances, including safety, which prevent the use of at least one reasonably available of the required control measure for any of the sources identified in subparagraph (D)(e)(3)(C), a justification statement must be provided in lieu of the description required in subparagraph (D)(e)(3)(D). The justification statement must explain the reason(s) why the required reasonably available control measures cannot be implemented.
- (5) Within 30 calendar days of the receipt of a plan submitted pursuant to subparagraph (D)(e)(1)(B), the Executive Officer will either approve, conditionally approve, or disapprove the plan, in writing. For a plan to be approved or conditionally approved, three conditions must be satisfied:
 - (A) All sources of fugitive dust emissions must be identified (e.g., earth-moving, storage piles, vehicular traffic on unpaved roads, etc.).
 - (B) For each source identified, at least one of the required reasonably available control measures must be implemented, or an acceptable justification statement pursuant to paragraph (D)(e)(4) must be provided; and
 - (C) If, after implementation of the required control measures, visible dust emissions are crossing the property line(s), then high wind weathering measures (e.g., increased watering) must be specified for immediate implementation.

- (6) Conditional approval will be made if conditions are met, but the stated measures do not satisfactorily conform to the guidance contained in the applicable Rule 403 Implementation Handbook. If a plan is conditionally approved, the conditions necessary to modify the plan will be provided in writing to the person(s) identified in subparagraph (D)(e)(3)(A). Such modifications must be incorporated into the plan within 30 days of the receipt of the notice of conditional approval, or the plan shall be disapproved. A letter to the Executive Officer stating that such modifications will be incorporated into the plan shall be deemed sufficient to result in approval of the plan.
- (7) If a plan is disapproved by the Executive Officer:
- (A) The reasons for disapproval shall be given to the applicant in writing.
 - (B) Within 7 days of the receipt of a notice of a disapproved plan, the applicant shall comply with the actions specified in Tables 1 and 2 for each applicable source of fugitive dust within the property lines.
 - (C) The applicant may resubmit a plan at any time after receiving a disapproval notification, but will not be relieved of complying with subparagraph (D)(e)(7)(B) until such time as the plan has been approved.
- (8) Failure to comply with any of the provisions in an approved or conditionally approved plan shall be a violation of subdivision (D)(e).
- (9) Any approved plan shall be valid for a period of one year from the date of approval or conditional approval of the plan. Plans must be resubmitted annually, at least 60 days prior to the expiration date, or the plan shall become disapproved as of the expiration date. If all fugitive dust sources and corresponding reasonably available control measures or special circumstances remain identical to those identified in the previously approved plan, the resubmittal may contain a simple statement of no-change. Otherwise, a resubmittal must contain all the items specified in subparagraphs (D)(e)(3)(A) through D).
- (10) Any person subject to the requirements of paragraph (D)(e)(1) who no longer exceeds, and does not expect to exceed for a period of at least one year, the criteria for a large operation or a medium operation under a contingency notification may request a reclassification as a non-large operation not subject to subparagraph (D). To obtain this reclassification, a person must submit a

- request in writing to the Executive Officer specifying the conditions which have taken place to reduce the disturbed surface area and/or the earth-moving or throughput conditions to levels below the criteria for large operations. A person must further indicate that the criteria for large operations are not expected to be exceeded during the subsequent 12-month period. The Executive Officer shall either approve or disapprove the reclassification within 60 days from receipt of the reclassification request. The Executive Officer will disapprove the request if the indicated changes can not be verified to be below the criteria for large operations or a medium operation under a contingency notification. If approved, the person shall be relieved of all requirements under subdivision (D)(e). Any person so reclassified would again be subject to the requirements of subdivision (D)(e) if at any time subsequent to the reclassification the criteria for large operations or a medium operation under a contingency notification are met.
- (11) A person responsible for more than one large operation subject to subparagraph (D) at non-contiguous sites may submit one plan covering multiple sites provided that:
- (A) the contents of the plan apply similarly to all sites; and
 - (B) specific information is provided for each site, including, map of site location, address, description of operations, and a listing of all sources of fugitive dust emissions within the property lines.
- (b)(e) Compliance Schedule
- All the newly amended provisions of this rule shall become effective February 1, 1997 ~~upon adoption of this Rule Amendment~~. Pursuant to subdivision (D)(e), any fugitive dust emission control plan which has been approved or conditionally approved prior to the date of adoption of these amendments shall remain in effect and the plan approval date and annual resubmittal date shall remain unchanged. If any changes to such plans are necessary as a result of these amendments, such changes shall not be required until the annual resubmittal date, pursuant to paragraph (D)(e)(9).
- (b)(e) Exemptions
- (1) The provisions of this rule shall not apply to:

- (A) Agricultural operations outside the boundaries of the South Coast Air Basin and agricultural operations conducted within the boundaries of the South Coast Air Basin provided that the combined disturbed surface area is less than 10 acres.
- (B) Agricultural operations within the South Coast Air Basin until February 1, 1998, whose combined disturbed surface area includes more than 10 acres. All provisions of this Rule shall become applicable to agricultural operations exceeding 10 acres beginning February 1, 1998 unless the person responsible for such operations:
- (i) Develops a soil erosion control plan which includes best management practices for reducing PM10 emissions according to the then latest Field Office Technical Guide, issued by the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service and either:
 - [a] obtains approval of the soil conservation plan in writing by the USDA Natural Resources Conservation Service prior to February 1, 1998; or
 - [b] signs a letter of intent on or before February 1, 1998 to obtain written approval of the soil conservation plan prior to December 31, 1998 by the USDA Natural Resources Conservation Service, and submits a copy of such a letter of intent to the Executive Officer by March 1, 1998, and subsequently obtains approval of the plan no later than December 31, 1998;
 - (ii) Notifies the Executive Officer within 30 days of the soil erosion control plan approval by the Natural Resources Conservation Service;
 - (iii) Makes a copy of the soil erosion control plan available to the Executive Officer upon request; and
 - (iv) Implements all provisions of the soil erosion control plan within 30 days after receipt of the approved plan by the Natural Resources Conservation Service.
- (C)(P) Any disturbed surface area less than one-half (1/2) acre on residential property zoned for residential uses;

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- (D)(E) Active operations conducted during emergency life-threatening situations, or in conjunction with any officially declared disaster or state of emergency.
- (E)(P) Active operations conducted by essential service utilities to provide electricity, natural gas, telephone, water and sewer during periods of service outages and emergency disruptions.
- (F)(E) Any contractor subsequent to the time the contract ends, provided that such contractor implemented the required ~~feasibly~~ available control measures during the contractual period.
- (G)(P) Any grading contractor, for a phase of active operations, subsequent to the contractual completion of that phase of earth-moving activities, provided that the required ~~feasibly~~ available control measures have been implemented during the entire phase of earth-moving activities, through and including five days after the final grading inspection.
- (H)(P) Weed abatement operations ordered by a county agricultural commissioner or any state, county, or municipal fire department, provided that:
- (i) mowing, cutting or other similar process is used which maintains weed stubble at least three inches above the soil; or
 - (ii) any discing or similar operation which cuts into and disturbs the soil is used and meets the following conditions:
 - [a] A determination is made by the issuing agency of the weed abatement order that, due to fire hazard conditions, rocks, or other physical obstructions, it is not practical to meet the conditions specified in clause (b)(1)(i)(G)(i); and
 - [b] Such determination is made in writing and provided to the person conducting the weed abatement operation prior to beginning such activity; and
 - [c] Such written determination is provided to the Executive Officer upon request from the person conducting the weed abatement operation.

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(Note: The provisions of clause (b)(6)(1)(G)(ii) do not exempt the owner of any property from controlling fugitive dust emissions emanating from disturbed surface areas which have been created as a result of the weed abatement actions.)

- (2) The provisions of paragraphs (d)(1) and (d)(4) (?) shall not apply:
- (A) When wind gusts exceed 25 miles per hour, provided that:
- (i) The required reasonably-available control measures for high wind conditions are implemented for each applicable fugitive dust source type, as specified in Table 1, and;
- (ii) Records are maintained in accordance with clauses (b)(6)(1)(A)(iii), (b)(6)(1)(A)(iv) and (b)(6)(1)(A)(v); and
- (iii) In the event there are technical (e.g., non-economic) reasons, including safety, why any of the required reasonably-available control measures in Table 1 cannot be implemented for one or more fugitive dust source categories, a person submits a "High Wind Fugitive Dust Control Plan" (HW-Plan). The HW-Plan must further provide an alternative measure of fugitive dust control, if technically feasible. Such plan will be subject to the same approval conditions as specified in subparagraphs (b)(6)(5) and (b)(6)(6);
- (B) To unpaved roads, provided such roads:
- (i) are used solely for the maintenance of wind-generating equipment, or
- (ii) meet all of the following criteria:
- [a] are less than 50 feet in width at all points along the road;
- [b] are within 25 feet of the property line; and
- [c] have a traffic volume less than 20 vehicle-trips per day.
- (C) To any active operation, open storage pile, or disturbed surface area for which necessary fugitive dust preventive or mitigative actions are in conflict with the federal Endangered Species Act.
- (D) To non-routine or emergency maintenance of flood control channels and water spreading basins.
- (3) The provisions of paragraphs (d)(1), (d)(2), and (d)(4) (?) shall not apply to:

- (A) Blasting operations which have been permitted by the California Division of Industrial Safety; and
- (B) Motion picture, television, and video production activities when dust emissions are required for visual effects. In order to obtain this exemption, the Executive Officer must receive notification in writing at least 72 hours in advance of any such activity and no nuisance results from such activity.

- (4) The provisions of paragraph (d)(4) (?) shall not apply if the dust control actions, as specified in Table 2, are implemented on a routine basis for each applicable fugitive dust source type. To qualify for this exemption, a person must:

- (A) maintain records to document the dates of active operations, all applicable fugitive dust source types, and the actions taken consistent with Table 2;

- (B) retain such records for a period of at least six months; and
- (C) make such records available to the Executive Officer upon request.

- (5) The provisions of paragraph (d)(5) (4) shall not apply to earth coverings of public paved roadways where such coverings are approved by a local government agency for the protection of the roadway, and where such coverings are used as roadway crossings for haul vehicles.

- (6) The provisions of subdivision (b)(6) shall not apply to:

- (A) officially-designated public parks and recreational areas, including national parks, national monuments, national forests, state parks, state recreational areas, and county regional parks;

- (B) any construction and/or earth-moving activity in which the completion date is expected to be less than 60 days after the beginning date. To qualify for this exemption, a person must:

- (i) notify the Executive Officer not more than 7 days after qualifying as a large operation or a medium operation under a contingency notification;
- (ii) include, as part of the notification, the items specified in subparagraphs (b)(6)(3)(A) and (b)(6)(3)(B); and
- (iii) take the actions specified in Tables 1 and 2 at such time as the construction and/or earth-moving activities extend more than 60

- days after qualifying as a large operation or a medium operation under a contingency notification.
- (C) any large operation or a medium operation under a contingency notification which is required to submit a dust control plan to any city or county government which has adopted a District-approved dust control ordinance. To qualify for this exemption, a person must submit a copy of the city- or county-approved dust control plan to the Executive Officer within 30 days of the effective date of this rule or within 30 days of receiving approval from the city or county government, whichever is later.
- (D) any large operation or a medium operation under a contingency notification subject to Rule 1158, which has an approved dust control plan pursuant to Rule 1158, provided that all sources of fugitive dust are included in the Rule 1158 plan.
- (f) Fees
- (1) Any person subject to a plan submittal pursuant to subparagraph (f)(1)(A) or clause (f)(2)(A)(iii) shall be assessed applicable filing and evaluation fees pursuant to Rule 306. Any person who simultaneously submits a plan pursuant to subparagraph (f)(1)(A) and clause (f)(2)(A)(iii) shall, for the purpose of this rule, be deemed to submit one plan.
- (2) The submittal of an annual statement of no-change, pursuant to paragraph (f)(2), shall not be considered as an annual review, and therefore shall not be subject to annual review fees, pursuant to Rule 306.
- (3) The owner/operator of any facility for which the Executive Officer conducts upwind/downwind monitoring for PM₁₀ pursuant to paragraph (d)(3) shall be assessed applicable Ambient Air Analysis Fees pursuant to Rule 304.1. Applicable fees shall be waived for any facility which is exempted from paragraph (d)(3) or meets the requirements of paragraph (d)(3).

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TABLE 1
BEST REASONABLY AVAILABLE CONTROL MEASURES FOR HIGH WIND

CONDITONS	CONTROL MEASURES
FUGITIVE DUST	
SOURCE CATEGORY	
Earth-moving	
	(1A) Cease all active operations, OR
	(2A) Apply water to soil not more than 15 minutes prior to moving such soil.
Disturbed surface areas	
	(0B) On the last day of active operations prior to a weekend, holiday, or any other period when active operations will not occur for not more than four consecutive days: apply water with a mixture of chemical stabilizer diluted to not less than 1/20 of the concentration required to maintain a stabilized surface for a period of six months; OR
	(1B) Apply chemical stabilizers prior to wind event, OR
	(2B) Apply water to all unstabilized disturbed areas 3 times per day. If there is any evidence of wind driven fugitive dust, watering frequency is increased to a minimum of four times per day; OR
	(3B) Take the actions specified in Table 2, Item (3c); OR
	(4B) Utilize any combination of control actions (1B), (2B), and (3B) such that, in total, these actions apply to all disturbed surface areas.
Unpaved roads	
	(1C) Apply chemical stabilizers prior to wind event, OR
	(2C) Apply water twice [once] per hour during active operation, OR
	(3C) Stop all vehicular traffic
Open storage piles	
	(1D) Apply water twice [once] per hour, OR
	(2D) Install temporary coverings
Paved road track-out	
	(1E) Cover all haul vehicles; OR
	(2E) Comply with the vehicle freeboard requirements of Section 23114 of the California Vehicle Code for both public and private roads.
All Categories	
	(1F) Any other control measures approved by the Executive Officer and the U.S. Environmental Protection Agency as equivalent to the methods specified in Table 1 may be used.

* Measures in [brackets] are reasonably available control measures and only apply to sources not within the South Coast Air Basin.

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TABLE 2
DUST CONTROL ACTIONS FOR EXEMPTION FROM PARAGRAPH (d)(3)*

FUGITIVE DUST SOURCE CATEGORY	CONTROL ACTIONS
Earth-moving (except construction cutting and filling areas, and mining operations)	<p>(1a) Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the Executive Officer and the California Air Resources Board. Two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations each subsequent four-hour period of active operations; OR</p> <p>(1a-1) For any earth-moving which is more than 100 feet from all property lines, conduct watering as necessary to prevent visible dust emissions from exceeding 100 feet in length in any direction.</p> <p>Earth-moving: Construction fill areas:</p> <p>(1b) Maintain soil moisture content at a minimum of 12 percent, as determined by ASTM method D-2216, or other equivalent method approved by the Executive Officer and the California Air Resources Board. For areas which have an optimum moisture content for compaction of less than 12 percent, as determined by ASTM Method 1557 or other equivalent method approved by the Executive Officer and the California Air Resources Board, complete the compaction process as expeditiously as possible after achieving at least 70 percent of the optimum soil moisture content. Two soil moisture evaluations must be conducted during the first three hours of active operations during a calendar day, and two such evaluations during each subsequent four-hour period of active operations.</p>

*Measures in [brackets] are reasonably available control measures and only apply to sources not within the South Coast Air Basin.

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TABLE 2. (Continued)*

Earth-moving: Construction cut areas and mining operations:	<p>(1c) Conduct watering as necessary to prevent visible emissions from extending more than 100 feet beyond the active cut or mining area unless the area is inaccessible to watering vehicles due to slope conditions or other safety factors.</p>
Disturbed surface areas (except completed grading areas)	<p>(2a/b) Apply dust suppression in sufficient quantity and frequency to maintain a stabilized surface. Any areas which cannot be stabilized, as evidenced by wind driven fugitive dust must have an application of water at least twice per day to at least 80 [70] percent of the unstabilized area</p> <p>(2a/b) Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface-AND</p> <p>Apply water at least twice per day to at least 80- [70] percent of all unstabilized disturbed surface areas.</p>
Disturbed surface areas: Completed grading areas	<p>(2c) Apply chemical stabilizers within five working days of grading completion; OR</p> <p>(2d) Take actions (3a) or (3c) specified for inactive disturbed surface areas.</p>
Inactive disturbed surface areas	<p>(3a) Apply water to at least 80 [70] percent of all inactive disturbed surface areas on a daily basis when there is evidence of wind driven fugitive dust, excluding any areas which are inaccessible to watering vehicles due to excessive slope or other safety conditions; OR</p> <p>(3b) Apply dust suppressants in sufficient quantity and frequency to maintain a stabilized surface; OR</p> <p>(3c) Establish a vegetative ground cover within 21 [30] days after active operations have ceased. Ground cover must be of sufficient density to expose less than 30 percent of unstabilized ground within 90 days of planting, and at all times thereafter; OR</p> <p>(3d) Utilize any combination of control actions (3a), (3b), and (3c) such that, in total, these actions apply to all inactive disturbed surface areas.</p>

*Measures in [brackets] are reasonably available control measures and only apply to sources not within the South Coast Air Basin.

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TABLE 2 (Continued)*

Unpaved Roads	
(4a)	Water all roads used for any vehicular traffic at least once per every two hours of active operations [3 times per normal 8 hour work day] three times-per-day; OR
(4b)	Water all roads used for any vehicular traffic once daily and restrict vehicle speeds to 15 miles per hour; OR
(4c)	Apply a chemical stabilizer to all unpaved road surfaces in sufficient quantity and frequency to maintain a stabilized surface.
Open storage piles	
(5a)	Apply chemical stabilizers; OR
(5b)	Apply water to at least 80 [70] percent of the surface area of all open storage piles on a daily basis when there is evidence of wind driven fugitive dust; OR
(5c)	Install temporary coverings; OR
(5d)	Install a three-sided enclosure with walls which extend, at a minimum, to the top of the pile.
All Categories	
(6a)	Any other control measures approved by the Executive Officer and the U.S. Environmental Protection Agency as equivalent to the methods specified in Table 2 may be used.

TABLE 3
TRACK-OUT CONTROL OPTIONS
PARAGRAPH (d)(5)(4)(B)

CONTROL OPTIONS

- (1) Pave or apply chemical stabilization at sufficient concentration and frequency to maintain a stabilized surface starting from the point of intersection with the public paved surface, and extending for a centerline distance of at least 100 feet and a width of at least 20 feet.
- (2) Pave from the point of intersection with the public paved road surface, and extending for a centerline distance of at least 25 feet and a width of at least 20 feet, and install a track-out control device immediately adjacent to the paved surface such that exiting vehicles do not travel on any unpaved road surface after passing through the track-out control device.
- (3) Any other control measures approved by the Executive Officer and the U.S. Environmental Protection Agency as equivalent to the methods specified in Table 3 may be used.

* Measures in [brackets] are reasonably available control measures and only apply to sources not within the South Coast Air Basin.

December 11, 1996
PR 1186

**PROPOSED RULE 1186. PM₁₀ EMISSIONS FROM PAVED AND UNPAVED
ROADS, AND LIVESTOCK OPERATIONS**

- (a) **Purpose**
The purpose of this rule is to reduce the amount of particulate matter entrained in the ambient air as a result of vehicular travel on paved and unpaved roads, and at livestock operations.
- (b) **Applicability**
The provisions of this rule shall apply to specified land uses and activities conducted within the South Coast Air Basin portion of the South Coast Air Quality Management District which result in fugitive dust.
- (c) **Definitions**
- (1) **AVERAGE DAILY TRIPS (ADT)** means the average number of vehicles that cross a given surface during a specified 24-hour time period as determined by the most recent Institute of Transportation Engineers trip generation manual, tube counts, or observations.
- (2) **CHEMICAL STABILIZERS** mean any non-toxic chemical dust suppressant which must not be used if prohibited for use by the Regional Water Quality Control Boards, the California Air Resources Board, the U.S. Environmental Protection Agency (EPA), or any applicable law, rule or regulation; and should meet any specifications, criteria, or tests required by any federal, state, or local water agency. Unless otherwise indicated, the use of a non-toxic chemical stabilizer shall be of sufficient concentration and application frequency to maintain a stabilized surface.
- (3) **CHEMICAL STABILIZATION** means a method of dust control implemented by a person to mitigate fugitive dust and corresponding PM₁₀ emissions which involves the use of non-toxic chemical stabilizers in sufficient quantities to maintain a stabilized surface.
- (4) **CONTINGENCY NOTIFICATION** means that the U.S. EPA has determined and notified the District in writing that PM₁₀ contingency requirements must be

- implemented based on a finding that: (1) PM₁₀ and PM₁₀ precursor emissions reductions were less than required at any three-year milestone reporting interval, or (2) the region failed to attain the PM₁₀ standards within the time frames allotted under the Federal Clean Air Act, or (3) if as part of an Attainment/Maintenance Plan, the region is no longer in attainment of the PM₁₀ standards.
- (5) **DUST SUPPRESSANTS** are water, hygroscopic materials, or non-toxic chemical stabilizers used as a treatment material to reduce fugitive dust emissions.
- (6) **ESSENTIAL PUBLIC SERVICES** are sewage treatment facilities, prisons, police facilities, fire fighting facilities, schools, hospitals, landfills, and water delivery operations.
- (7) **FEED LANE ACCESS AREAS** are roads providing access from the feed preparation areas to and including feed lane areas at a livestock operation. These access roads are typically used to distribute feed from feed trucks to the animals.
- (8) **FUGITIVE DUST** means any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of man.
- (9) **LIVESTOCK OPERATIONS** means any operation directly related to the raising of animals for the primary purpose of making a profit or for a livelihood.
- (10) **OWNER/OPERATOR** is any person who owns, leases, or operates a land use or activity subject to the requirements of this rule.
- (11) **PAVED ROAD** means an improved street, highway, alley, public way, or easement that is covered by typical roadway materials excluding access roadways that connect a facility with a public paved roadway and are not open to through traffic. Public paved roads are those open to public access and that are owned by any federal, state, county, municipal or any other governmental or quasi-governmental agencies. Private paved roads are any paved roads not defined as public.
- (12) **PM₁₀** is particulate matter with an aerodynamic diameter smaller than or equal to 10 microns as measured by the applicable State and Federal reference test methods.

- (13) **PM₁₀-EFFICIENT STREET SWEEPERS** are street cleaning equipment designed to prevent the venting of particulate matter 10 microns or less that has been outfitted with a filter, bag house, cyclone or other system.
- (14) **SOUTH COAST AIR BASIN** means the non-desert portions of Los Angeles, Riverside, and San Bernardino counties and all of Orange County as defined in California Code of Regulations, Title 17, Section 60104. The area is bounded on the west by the Pacific Ocean, on the north and east by the San Gabriel, San Bernardino, and San Jacinto Mountains, and on the south by the San Diego county line.
- (15) **STABILIZED SURFACE** means:
- any disturbed surface area or open storage pile which has been treated to prevent wind-driven fugitive dust;
 - any unpaved road surface in which any fugitive dust plume emanating from vehicular traffic does not exceed 20 percent opacity.
- (16) **STREET CLEANING** means the removal of post-event visible roadway accumulations using street sweeping equipment, front end loaders, haul vehicles, manual shoveling, street flushing, or any other methods determined effective by the responsible agency.
- (17) **TYPICAL ROADWAY MATERIALS** are concrete, asphaltic concrete, recycled asphalt or asphalt.
- (18) **UNPAVED ACCESS CONNECTIONS** are any unpaved road connection with a paved public road.
- (19) **UNPAVED ALLEY** means any roadway not exceeding 25 feet in width which is primarily used for access to the rear or side entrances of abutting property that is not covered by one of the following: concrete, asphaltic concrete, recycled asphalt, or asphalt.
- (20) **UNPAVED ROADS** are any unsealed or unpaved roads, equipment paths, or travel ways that are not covered by one of the following: concrete, asphaltic concrete, recycled asphalt, or asphalt. Public unpaved roads are any unpaved roadway owned by Federal, State, county, municipal or other governmental or quasi-governmental agencies. Private unpaved roads are all other unpaved roadways not defined as public.
- (21) **VISIBLE ROADWAY ACCUMULATIONS** means the deposit of particulate matter onto paved roads as a result of wind or water erosion, haul vehicle

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- (d) **Requirements**
- (1) Any owner or operator of a paved road on which there is visible roadway accumulations shall begin removal of such material through street cleaning within 72 hours following any notification of the accumulation and shall completely remove such material as soon as feasible. If removal cannot be completed within 10 days of notification, the owner/operator shall notify the Executive Officer and provide information on the location of the accumulation(s) and estimated removal completion date.
- (2) Any agency intending to purchase, lease, or otherwise contract for street sweeper equipment shall be required to procure PM₁₀-efficient street sweeping equipment after January 1, 1999.
- (3) **Unpaved Roads**
- Any owner or operator of an unpaved public road shall annually treat unpaved roads that have greater than the average ADT of all unpaved roads in its jurisdiction (as determined by the owner/operator) beginning January 1, 1998 and each of the 8 calendar years thereafter by either:
- Paving at least 1 mile of such roads using typical roadway materials; or
 - Applying chemical stabilization to 2 miles of such roads in sufficient quantities to maintain a stabilized surface; or
 - Taking one or more of the following actions on 3 miles of such roads:
 - Installing signage at 1/4 mile intervals that prohibits vehicular speeds in excess of 15 miles per hour (mph) as authorized by California Vehicle Code section 22365 and/or
- (22) **WIND-DRIVEN FUGITIVE DUST** means visible emissions from any disturbed surface area which is generated by wind action alone.

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- (ii) Installing speed control devices (e.g., speed bumps) every 500 feet and/or
 - (iii) Maintaining the roadway in such a manner that inhibits vehicular speeds in excess of 15 mph to 3 miles of unpaved roads in its jurisdiction.
- (Note: Treatment in excess of the annual requirement can be credited toward future year requirements.)

Livestock Operations

- (4) Any owner or operator of a livestock operation shall cease all hay grinding activities at any time visible emissions extend more than 50 feet from a hay grinding source.
- (5) Any owner or operator of a livestock operation shall treat all unpaved access connections and unpaved feed lane access areas with either pavement, gravel (maintained to a depth of four inches), or asphaltic road-base no later than January 1, 1998.

(e) Contingency Requirements

When a contingency notification has occurred, the requirements of this subdivision shall become effective in the county subject to the notification 60 days after the first publication date in newspapers of general circulation in that county. Such publication shall specify that a contingency notification has occurred, and that paragraph (e)(1) is to be implemented within 60 days of a contingency notification.

Paved Roads

- (1) Any owner or operator of public or private paved roads shall construct, or require to be constructed, all new or widened paved roads in accordance with the American Association of State Highway and Transportation Officials (AASHTO) guidelines or the applicable equivalent locally adopted guidelines for curbing, width of shoulders, and medians as specified below:
 - (A) New construction or widening of paved roads with projected average daily trips of 500 vehicles or more shall be constructed with curb and gutter or as an alternative paved outside shoulders using typical roadway materials and having the following minimum widths:

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Average Daily Trips	Minimum Shoulder Width
500 - 3,000	4 feet
3,000 or greater	8 feet

(B) New construction or widening of paved roads with medians and projected average daily trips of 500 vehicles or more shall pave the median area with typical roadway materials unless:

- (i) the speed limits are set at or below 45 miles per hour; or
- (ii) the medians are landscaped and maintained with grass or other vegetative ground cover and are surrounded by curbing; or
- (iii) the medians are treated with chemical stabilizers in sufficient quantity and frequency to establish a stabilized surface and are surrounded by curbing.

(f) Recordkeeping

- (1) Any person subject to paragraph (d)(3) shall maintain records that document compliance with the requirements specified in paragraph (d)(3). Such records must be updated annually and must be made available to the Executive Officer upon request.

(g) Effective Date

All provisions of this rule shall become effective February 1, 1997.

(h) Exemptions

- (1) The provisions of this rule shall not apply to sources with an approved Rule 1158 (Storage, Handling, and Transport of Petroleum Coke) plan provided that all sources of fugitive dust are included in the plan and the control actions are sufficient to comply with the performance standards contained in Rule 403.
- (2) The provisions of this rule shall not apply to essential public services that are in compliance with District Rule 403 (Fugitive Dust).
- (3) The provisions of paragraph (d)(1) shall not apply to:
 - (A) visible roadway accumulations that occur on roads with fewer than 500 average daily trips.
 - (B) paved roads that have been closed until such time that the road is again opened to vehicular activity.

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- (C) events of such magnitude that a State of Emergency has been declared by the Governor, provided that removal of visible roadway accumulations associated with such events are initiated and completed as soon as feasible.
- (4) An owner or operator of a paved road shall be exempt from the provisions of paragraph (d)(2) provided that PM₁₀-efficient street sweepers have been purchased and are being used on all paved roads, other than the portion of exempt paved roads [defined as paved public roads that: 1) have curb and gutter, or paved road shoulders in excess of four feet and 2) are not within 1,000 feet of an unpaved road], and the owner or operator of a paved road submits annually the following to the Executive Officer:
 - (A) a written inventory of the curb mileage swept and to be swept using PM₁₀-efficient street sweepers; and
 - (B) a written inventory of the exempt curb mileage; and
 - (C) copies of documentation regarding street sweeper activity submitted to the Regional Water Quality Control Board (RWQCB) in response to National Pollution Discharge Elimination System (NPDES) Storm Water Permit requirements.
- (5) The provisions of paragraph (d)(3) shall not apply to:
 - (A) any unpaved road 3,000 feet above mean sea level with fewer than 500 ADT.
 - (B) any unpaved road used for emergency fire or flood protection or emergency maintenance of essential service utilities to provide electricity, natural gas, telephone, water, and sewer.
 - (C) any unpaved public road where public access is prohibited.
 - (D) any unpaved alley.
 - (E) any jurisdiction if it:
 - (i) notifies the Executive Officer that it has less than 5 miles of unpaved road mileage and implements once at least one of the control strategies identified in either subparagraph (d)(3)(A) or (d)(3)(B) or (d)(3)(C) on the unpaved road mileage with greater than the average ADT (as determined by the owner/operator) by January 1, 2000.

- (ii) notifies the Executive Officer that it has more than 5 but less than 10 miles of unpaved road mileage and implements at least one of the control strategies identified in either subparagraph (d)(3)(A) or (d)(3)(B) or (d)(3)(C) on unpaved roads with greater than the average ADT (as determined by the owner/operator) in each three year period beginning January 1, 1998 (with final treatments completed by December 31, 2005).
- (6) The provisions of paragraphs (d)(3), (d)(4), and (d)(5) shall not apply to livestock operations whose contiguous bounded areas include less than ten acres.
- (7) The provisions of subparagraph (e)(1)(A) shall not apply to unpaved road shoulders provided that the area extending eight feet from the outside edge of the pavement is landscaped and maintained with grass or other vegetative ground cover.
- (i) Alternative Control Options
 - In lieu of complying with the provisions of paragraphs (d)(3) and (d)(5) and subdivision (e), a person may submit for approval by the Executive Officer and the U.S. Environmental Protection Agency a plan for achieving equivalent emissions reductions through alternative control measures.

ATTACHMENT E
DRAFT RULE LANGUAGE

PREFACE

On October 1, 1996 the South Coast Air Quality Management District (District) released a preliminary draft staff report for Proposed Amended Rule (PAR) 403 and Proposed Rule (PR) 1186. The preliminary draft staff report was distributed to interested parties and included background information, the rationale for PAR 403 and PR 1186, an estimate of the anticipated emissions reductions, a cost-effectiveness analysis, and draft rule language. Subsequent to release of the staff report, the District held a Public Consultation meeting on October 8, 1996 and two Public Workshops; one on October 29, 1996 and one on December 6, 1996. The purpose of these meetings was to inform affected businesses and agencies of Federal Clean Air Act requirements for controlling PM₁₀ and to solicit comments on the draft rule language. In response to comments received during the rule development process, the District has revised the draft rule language text.

For reference, the PAR 403 amendments to the existing Rule are denoted with underline and strikeout.